

### **Statement of Claim Status and Support**

Pursuant to 37 C.F.R. 1.173(c), applicant provides the following statement of claim status and support.

#### **Claim Status**

Claims 1-3, 5-11, 21 and 22 are pending, and claims 4, and 12-20 are cancelled.

#### **Support for Claim Changes**

Support for the claims is found in the specification of U.S. Patent No. 5,806,274 as follows:

|                  |   |
|------------------|---|
| <b>Claim 1:</b>  | Col. 2:19-22, 42-47; Col. 3:1-25, 31-36                                       |
| <b>Claim 3:</b>  | Col. 2:19-22, 42-47, 64-67; Col. 3:1-25, 31-36                                |
| <b>Claim 5:</b>  | Col. 2:19-22, 42-47; Col. 3:1-25, 31-51                                       |
| <b>Claim 6:</b>  | Col. 2:19-22, 42-47, 64-67; Col. 3:1-25, 31-51                                |
| <b>Claim 7:</b>  | Col. 3:52-Col. 4:33; See also amendment adding new paragraph after Col. 4:17. |
| <b>Claim 8:</b>  | Col. 3:52-Col. 4:33; See also amendment adding new paragraph after Col. 4:17. |
| <b>Claim 9:</b>  | Col. 2:19-22, 42-47; Col. 3:1-25, 31-51                                       |
| <b>Claim 10:</b> | Col. 2:19-22, 42-47, 64-67; Col. 3:1-25, 31-51                                |
| <b>Claim 11:</b> | Col. 2:19-22, 42-47, 64-67; Col. 3:1-25, 31-51                                |
| <b>Claim 21:</b> | Col. 2:19-22, 42-47; Col. 3:1-25, 31-51                                       |
| <b>Claim 22:</b> | Col. 2:19-22, 42-47; Col. 3:1-25, 31-51                                       |

### **Listing of Claims**

This listing of claims reflects all claim amendments and includes all claim changes and additions in the application. Unchanged existing patent claims are not listed. Pursuant to 37 C.F.R. 1.173(d), material to be inserted in claims is underlined, and material to be deleted is in [brackets].

1. (Amended) A floor joist retainer, for use in a concrete foundation formed by pouring concrete into forms, which comprises:

a floor joist retainer body having an open front, closed sides, a back, a bottom, and a removable top, and configured to receive and support an end of a floor joist positioned within the floor joist retainer body through the top and front, the removable top being attached to the floor joist retainer body when the concrete is poured into the forms and removable after the concrete is poured;

an intermediate structural plate interconnecting the sides and back of the floor joist retainer body, the intermediate structural plate being attached to the sides and back when the concrete is poured into the forms and removable after the concrete is poured;

a retaining flange attached to the floor joist retainer body for engagement within the concrete foundation; and

removable means for removably attaching the floor joist retainer body to the forms before the concrete is poured into the forms.

2. (Original) The floor joist retainer of claim 1 wherein the removable means for attaching the floor joist retainer body to the form comprises a plurality of nails.

3. (Amended) The floor joist retainer of claim 1 wherein the floor joist retainer body is formed of material to which poured concrete will not adhere.

4. (Canceled)

5. (Amended) A floor joist retainer, for use in a concrete foundation formed by pouring concrete into forms, which comprises:

a floor joist retainer body having an open front, closed sides, a back, a bottom, and an open top, and configured to receive and support an end of a floor joist positioned within the floor joist retainer body through the open top and front;

a retaining flange attached to the floor joist retainer body for engagement within the concrete foundation;

a plurality of nail posts attached to the sides of the floor joist retainer body, each positioned and configured to hold a nail with a pointed end extending into a form; and

a plurality of nails positioned within the nail posts and configured in size to extend a pointed end into a form.

6. (Amended) The floor joist retainer of claim 5 wherein the floor joist retainer body is formed of material to which poured concrete will not adhere.

7. (Amended) A method of positioning and supporting a floor joist within a concrete foundation formed by pouring concrete into forms using a floor joist retainer having a floor joist retainer body having an open front, closed sides, a bottom, and a removable top, and configured to receive and support an end of the floor joist positioned within the floor joist retainer body through the top and front, the floor joist retainer further including an intermediate structural plate interconnecting the sides and back of the floor joist retainer body, the intermediate structural plate being attached to the sides and back when the concrete is poured into the forms and removable after the concrete is poured, the floor joist retainer further including a retaining flange attached to the floor joist retainer body for engagement within the concrete foundation, and means for removably attaching the floor joist retainer body to the forms before the concrete is poured into the forms, the method comprising:

positioning and attaching the floor joist retainer to a form with the removable top attached to the floor joist retainer body before the concrete is poured with the open front facing the form;

pouring the concrete into the forms;

curing the concrete;

removing the forms;

removing the intermediate structural plate from the floor joist retainer body;

removing the removable top from the floor joist retainer body; and

positioning the end of the floor joist into the floor joist retainer body.

8. (Amended) A method of positioning and supporting a floor joist within a concrete foundation formed by pouring concrete into forms using a floor joist retainer having a floor joist retainer body having an open front, closed sides, a bottom, and a removable top, and configured to receive and support an end of the floor joist positioned within the floor joist retainer body through the top and front, the floor joist retainer further including a retaining flange attached to the floor joist retainer body for engagement within the concrete foundation, a plurality of nail posts attached to the sides of the floor joist retainer body, each positioned and configured to hold a nail with a pointed end extending into a form, and a plurality of nails positioned within the nail posts and configured in size to extend a pointed end into the form to removably attach the floor joist retainer to the form before the concrete is poured into the forms, the method comprising:

positioning and nailing the floor joist retainer to a form, with the open front facing the form with the removable top attached to the floor joist retainer body, before the concrete is poured into the forms;

pouring the concrete into the forms;

curing the concrete;

removing the forms;

removing the removable top from the floor joist retainer body; and

positioning an end of the floor joist into the floor joist retainer body.

9. (New) A floor joist retainer, for use in a concrete foundation formed by pouring concrete into forms, comprising:

a floor joist retainer body having an open front, closed sides, a back, a bottom, and a removable top, the floor joist retainer body being configured to receive and support an end of a floor joist positioned within the floor joist retainer body through the top and front, the removable top being attached to the floor joist retainer body when the concrete is poured into the forms and removable after the concrete is poured;

a retaining flange attached to the floor joist retainer body for engagement within the concrete foundation;

a plurality of nail posts attached to the sides of the floor joist retainer body, each being positioned and configured to hold a nail so that a pointed end of the nail extends into one of the forms; and

a plurality of nails positioned within the nail posts.

10. (New) The floor joist retainer of claim 9, wherein the floor joist retainer body is formed of material to which poured concrete will not adhere.

11. (New) The floor joist retainer of claim 9, further comprising an intermediate structural plate interconnecting the sides and back of the floor joist retainer body, the intermediate structural plate being attached to the sides and back when the concrete is poured into the forms and removable after the concrete is poured.

Claims 12 through 20 (canceled)

21. (New) A floor joist retainer, for use in a concrete foundation formed by pouring concrete into forms, comprising:

a floor joist retainer body having an open front, sides, a back, a bottom, and an open top, the floor joist retainer body being configured to receive and support an end of a floor joist positioned within the floor joist retainer body through the open top and front;

an intermediate structural plate interconnecting the sides and back of the floor joist retainer body, the intermediate structural plate being attached to the sides and back when the concrete is poured into the forms and removable after the concrete is poured;

a retaining flange attached to the floor joist retainer body for engagement within the concrete foundation;

removable means for removably attaching the floor joist retainer body to the forms before the concrete is poured into the forms; and

a plurality of nail posts attached to the sides of the floor joist retainer body, each being positioned and configured to hold a nail so that a pointed end of the nail extends into a form, where the removable means includes a plurality of nails positioned within the nail posts.

22. (New) A floor joist retainer, for use in a concrete foundation formed by pouring concrete into forms, which comprises:

a floor joist retainer body having an open front, closed sides, a back, a bottom, and a top, at least one cut being provided on the floor joist retainer body where the top connects to the sides and back so that the top is removable, the floor joist retainer body being configured to receive and support an end of a floor joist positioned within the floor joist retainer body through the top and front, the top being attached to the floor joist retainer body when the concrete is poured into the forms and removable after the concrete is poured;

a retaining flange attached to the floor joist retainer body for engagement within the concrete foundation;

removable means for removably attaching the floor joist retainer body to the forms before the concrete is poured into the forms; and

an intermediate structural plate interconnecting the sides and back of the floor joist retainer body, the intermediate structural plate being attached to the sides and back when the concrete is poured into the forms and removable after the concrete is poured.